REMARKS

Applicant appreciates the thorough examination of the claims previously presented, and thanks the Examiner for the courtesies extended during the recent Examiner interview on February 16, 2005 and for the acknowledgements therein. Applicant previously canceled Claims 8-51 without prejudice as to patentability, including the doctrine of equivalents. Applicant also thanks the Examiner for the acknowledgement of the request for continuing examination (see paragraph 1 of Official Action). Applicant also appreciates the concern expressed regarding the serial number issue (see paragraph 2 of Official Action) and has addressed the same herein. Applicant also has addressed the objection to Claim 57 herein as expressed by the Examiner (see paragraph 3 of the Official Action). As for FIG. 4, Applicant further appreciates these comments as well (see paragraph 4 of Official Action) and will submit new formal drawings shortly after filing this response.

In the Official Action, the Examiner had rejected Claims 52-65 under 35 U.S.C. § 102(b) as being anticipated by Taylor (U.S. Patent No. 5,578,808) (see paragraphs 5-6 of Official Action). Applicant, however, respectfully disagrees with Examiner. Taylor describes a data card for transactions involving separate card issuers. As discussed and agreed during the Examiner interview, Taylor fails to disclose or suggest numerous features found in Claim 52, as well as the other claims. For example, Taylor at least fails to teach or suggest a data profile derived from a set of personal data associated with a personal control ID identifying a selected different person and assembled together by the selected different person for use by a selected one of one or more providers identified by a provider ID, a retail POS positioned to retrieve this data profile from a server, an output device to output the data profile to the selected provider, and no output of the data profile for the selected provider prior to proceeding with a retail transaction. In view of at least these features not being found in Taylor, Taylor is not a proper 35 U.S.C. § 102(b) reference. Accordingly, Applicant respectfully submits that Claims 52-65 are novel, nonobvious, and define over the cited art.

In commenting upon the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the references

and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and Applicant's present invention have been made by Applicant. For the foregoing reasons, Applicant reserves the right to submit additional evidence showing the distinctions between Applicant's invention to be nonobvious in view of the prior art.

The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention that render it patentable, being only examples of certain advantageous features and differences that Applicant's attorney chooses to mention at this time.

CONCLUSION

In view of the amendments and remarks set forth herein, and the acknowledgements in the recent Examiner interview as noted on the Examiner Interview Summary, Applicant respectfully submits that the application is in condition for allowance. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

Respectfully submitted,

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